

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed April 12, 2005. Claims 1-30 were pending in the Application prior to the outstanding Office Action. Claims 1, 5, 6, 8, 11, 16, 18 and 20-22 are being amended, and claims 9 and 19 are being canceled. Claims 1-8, 10-18, and 20-30 remain for the Examiner's consideration. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

I. Oath/Declaration

In Section 2 of the Office Action it was asserted that the submitted Declaration was defective because it did not identify the city and state of residence of the inventor. However, such information is not necessary, if an application data sheet (ADS) was filed together with the Declaration, as was the case here. Accordingly, Applicant respectfully asserts that the Declaration as filed is proper. Indication of this is requested.

II. Provisional Double Patenting Rejection

In Section 3 of the Office Action, claims 1-10, 11-20, 21-25 and 26-30 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18, 19-36, 37-42 and 43-48 of copending Application No. 10/665,264. In order to expedite allowance of the claims, Applicant is timing filing a Terminal Disclaimer herewith, as recommended by the Examiner. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

III. Allowable Subject Matter

Applicant would like to thank the Examiner for indicating that claims 6, 8-10, 16, and 18-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if the provisional nonstatutory double patenting rejection were overcome.

The Examiner also stated that claims 21-25 and 26-30 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and if the provisional nonstatutory double patenting rejection were

overcome. However, since claim 21 is an independent claim (from which claims 22-25 depend) and claim 26 is an independent claim (from which claims 27-30 depend), it appears that the Examiner should allow claims 21-30 so long as the provisional nonstatutory double patenting rejection is overcome. As mentioned above, since a Terminal Disclaimer is being filed herewith, the nonstatutory double patenting rejection should now be overcome.

IV. Summary of Prior Art Rejections

Claims 1, 2, 7, 11, 12 and 17 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,585,975 to Bliss.

Claims 3-5 and 13-15 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Bliss (U.S. Patent No. 5,585,975), in view of Cloke et al. (U.S. Patent No. 6,487,032).

V. Summary of Amendments

Claim 1 has been amended to include the features of allowable claim 9 (which has now been canceled). Accordingly, Applicant respectfully requests that claim 1 be allowed. Claims 2-5 and 7 depend from claim 1, and should thus be allowed for at least the reason that claim 1 should now be allowed.

Allowable claim 6 has been redrafted in independent form, including all the features of its original base claim 1. Accordingly, Applicant respectfully requests that claim 6 be allowed.

Allowable claim 8 has been redrafted in independent form, including all the features of its original base claim 1. Accordingly, Applicant respectfully requests that claim 8 be allowed.

Claim 11 has been amended to include the features of allowable claim 19 (which has now been canceled). Accordingly, Applicant respectfully requests that claim 11 be allowed. Claims 12-15 and 17 depend from claim 11, and should thus be allowed for at least the reason that claim 11 should now be allowed.

Allowable claim 16 has been redrafted in independent form, including all the features of its original base claim 11. Accordingly, Applicant respectfully requests that claim 16 be allowed.

Allowable claim 18 has been redrafted in independent form, including all the features of its original base claim 11. Accordingly, Applicant respectfully requests that claim 18 be allowed.

Minor amendments have been made to claims 5, 20, 21 and 22 to correct typographical errors. Such amendments are not narrowing.

In view of the above, Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding 102(b) and 103(a) rejections.

VI. Conclusion

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: May 25, 2005

By: Jeffrey R. Kurin
Jeffrey R. Kurin
Reg. No. 41,132

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Customer No. 23910